

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-485

UNITED STATES OF AMERICA)	
)	
v.)	DEFAULT JUDGMENT
)	
ONE 2008 BENTLEY CONTINENTAL SEIZED)	
FROM DAQUAN EUGENE GILMORE)	

THIS MATTER is before the Court on the United States of America’s Motion pursuant to Fed. R. Civ. P. 55(b)(2), for Default Judgment. (Doc. No. 14). For good cause shown, the Court will GRANT the Motion and enter Default Judgment. In support hereof, the Court finds as follows:

I. Background

On September 4, 2018, the United States filed a verified Complaint for Forfeiture *in rem* against the above-captioned Bentley (hereafter, “the Property”). (Doc. No. 1). The Complaint alleged that the Property was used to transport or to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances, in violation of 21 U.S.C. § 841 and was therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4). On September 4, 2018, the Clerk of Court issued a Warrant for Arrest *in rem* for the Property. (Doc. No. 2).

On September 4, 2018, the United States sent direct notice of forfeiture to the following individuals and entities who appeared to be potential claimants as defined by Federal Rules of Civil Procedure, Supplement Rules for Admiralty and Maritime Claims and Assets Forfeiture Actions, Rule G(4)(a);

- Daquan Gilmore;
- Charlene Hines;
- Foreign Cars Italia of Charlotte;
- Team One Motors, attn.: Matt Shanahan; and

- Team One Motors, attn.: Toby Johnson.

The direct notice informed all individuals and entities of this forfeiture action and of the right to submit a verified claim to this Court within thirty-five (35) days after the Complaint was sent. (Doc. Nos. 5 and 6).

As to all persons in the world with potential claims to the Defendant Property, the United States published notice of this forfeiture via www.forfeiture.gov, from September 6, 2018 to October 5, 2018, as shown on the Submission of Declaration of Publication filed herein on October 11, 2018. (Doc. No. 4).

Only Team One Motor Cars, a lienholder owed money for the purchase of the Property, has filed pleadings in this action—a Claim on November 15, 2018, (Doc. No. 7), and an Answer on December 19, 2018, (Doc. No. 8). The Government settled with Team One Motor Cars via Consent Order for Third Party Claim which this Court entered on January 14, 2019. (Doc. No. 10).

No persons or entities other than Team One Motor Cars have filed claims herein and the time for doing so has expired. Further, the Clerk entered default on January 15, 2019. (Doc. No. 13). Thus, default judgment is appropriate as to the Property and all persons and entities except for Team One Motorcars.

II. Legal Conclusions

Other than Team One Motor Cars, whose Claim has been adjudicated, no other person or entity has filed a claim or answer within the time required by the Complaint, direct or public notice, or the Supplemental Rules for Admiralty or Maritime Claim and Asset Forfeiture Actions. Further, the Clerk has entered default. Under such circumstances, Rule 55(b)(2) provides for Default Judgment by the Court.

IT IS, THEREFORE, ORDERED that:

1. The Government's Motion for default judgment of forfeiture, (Doc. No. 14), is hereby **GRANTED**.

2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title, or interest shall exist therein, except to the extent that Team One Motorcars is entitled to the amount of net sale proceeds set forth in this Court's Consent Order for Third Party Claim:

One 2008 Bentley Continental seized from Daquan Eugene Gilmore

3. The United States is hereby directed to dispose of the forfeited defendant property as provided by law.

Signed: January 16, 2019



Robert J. Conrad, Jr.
United States District Judge

